

HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.26785 of 2006

Date : 22-12-2006

Between :

B.Srikanth Babu and another ..
Petitioners

And

The Commissioner,
Municipal Corporation of Hyderabad,
Lower Tank Bund,
Hyderabad and another ..
Respondents

HON'BLE SRI JUSTICE P.S. NARAYANA

W.P.No.26785 of 2006

ORDER:

Heard Sri Sambasiva Pratap, Counsel representing the writ petitioners and Sri Ganta Rama Rao, the learned standing Counsel representing the respondents 1 and 2.

The Writ Petition is filed for a writ of mandamus declaring the action of the respondents in trying to take possession of the property belonging to the petitioners without issuing notice or initiating land acquisition proceedings by following the procedure contemplated under Section 147 of the Hyderabad Municipal Corporation Act 1955 as illegal, arbitrary and contrary to the principles of natural justice and to pass such other suitable orders.

The copies of sale deeds dated 28-8-1993 and 1-8-2003, copies of No objection certificates from the Commissioner of Police and the Fire Service Department and property tax payment receipts are produced before

this Court as material papers. Several factual details are narrated in paras 1 to 10 of the affidavit filed in support of the Writ Petition. The inconvenience to which the petitioners would be put also had been highlighted.

This Court need not go into several of the factual details the reason being that it is needless to say that the respondents are bound to follow the due process of Law as per the provisions of Hyderabad Municipal Corporation Act 1955 in the event of the respondents intending to take possession of the property in question. In view of the same, the Writ Petition is disposed of directing the respondents not to disturb the possession of the petitioners in relation to the subject matter of the Writ Petition unless and until the respondents follow the due process of law. No costs.

Justice P.S.Narayana

Date : 22-12-2006

AM